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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/801,186      | 03/16/2004  | Steven A. Klein      | 977.061US1          | 5135             |

21186 7590 08/04/2005

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| EXAMINER |
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SCHNEIDER, JOSHUA D

| ART UNIT | PAPER NUMBER |
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2182

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/801,186

Applicant(s)

KLEIN, STEVEN A.

Examiner

Joshua D. Schneider

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 2, 4-9, 11-15, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,389,029 to McAlear.

3. With regards to claims 1, 6-8, 12-14, and 18-21, McAlear teaches a remote computerized server having a one or more Universal Serial Bus (USB) ports (end hubs, composite end hubs, and other LAN computers, column 19, line 6, through column 20, line 34); and a host computer having a driver communicatively coupling the host computer to the remote computerized sever (column 20, lines 11-34), wherein the driver emulates the USB ports of the remote computerized server by emulating a corresponding local USB port for each of the USB ports of the remote computerized server (drivers for the network adapter and USB are inherent to network communications and USB devices, as is the loading of these drivers, and emulation of remote ports as being local is inherent, by definition, to networking), and exchanges data with the remote computerized system driver to emulate one or more of the remote computerized system's USB ports as USB ports local to the host computer (drivers for the network adapter and USB are inherent to network communications and USB devices, emulation of remote ports as being local is inherent, by definition, to networking).

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4. With regards to claim 5, and further regards to claims 7, 8, 12, 14, and 18, McAlear teaches the remote computerized server has a driver executing thereon, operable to communicate data between at least one of its one or more USB ports and the host computer via the network (driver for the network adapter is inherent to network communications).

5. With regards to claims 2, 9, and 15, McAlear teaches the host computer and remote computerized server are connected via a TCP/IP connection (column 24, lines 32-44, and column 25, lines 44-62).

6. With regards to claims 4, 11, and 17, McAlear teaches the host computer driver further comprises an application programming interface (API), by which an application program executing on the host computer is panted control of at least one USB port of a remote computerized server, as if the USB ports of the remote computerized server were local to the host computer (column 2, lines 21-30).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 10, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,389,029 to McAlear.

9. With regards to claims 3, 10, and 16, McAlear fails to explicitly teach the host computer and remote computerized server are connected via a secure connection. However, it is notoriously well known in the art that secure connections are desired to maintain device

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integrity. SSL is one notoriously well known tool used over network to provide data security. It would have been obvious to one of ordinary skill in the art at the time of invention to use a secure connection protocol, such as SSL, with the networked USB devices of McAlear in order to maintain device integrity.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication 2003/0088727 to Zarns teaches the accessing of remote USB peripherals over a TCP/IP network from a local host computer. U.S. Patent Application Publication 2004/0090984 to Saint-Hilaire et al. teaches a network adapter device that serves as a device server for providing access to USB devices over a network. U.S. Patent 6,904,489 to Zarns teaches the accessing of remote USB devices over a network as if they were local devices. "How Networks Work" by Derfler et al. teaches network devices are used as if they were local devices, and the use of interface card drivers for network accessing.

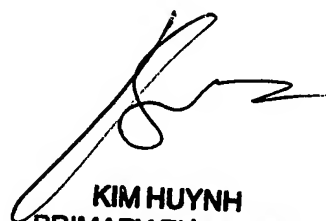
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Schneider whose telephone number is (571) 272-4158. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDS



**KIM HUYNH**  
**PRIMARY EXAMINER**  
8/2/05